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Case of the Times DISCUSS'D:

Being a Serious Exercitation of two
Cases grounded upon *Romans* 13.

Vers. 1, 2, 3, 4, 5.

First, *How far we are bound to Obey,
when we are not Satisfied that the
Laws are for our Good?*

2d, *Whether Subjection implies more
than not to Resist the Powers?*

To which is added, *Some Remarks upon a late
Book, Entituled, The Protestant Reconciler.*

DLW

By Fr. Fullwood, D.D. in Exon.

L O N D O N,

Printed for Jonathan Wilkins, at the Starr in
Cheapside, next Mercers Chappel, 1683.

Times of the

D 1 2 C B 2 2 D :

Being a serious representation of two
cases grounded upon Romans 13.
Vol. 17 23 45.

First, How far we are bound to obey,
and we are not satisfied that the
Lord's will is good.

2d, Whether we are bound to obey
them not to



To which is added, Some Remarks on a late
Book, Entitled, The Protestant's Reasoner.
1724.

By F. Tullivood, D.D. in Exon.

L O N D O N

Printed for Thomas Warton, at the Swan
in St. Dunstons Church-yard, 1724.

~~Preservation of the Law~~
To the RIGHT REVEREND
Father in God
THOMAS
Lord Bishop

EXON

My Good Lord ;
Y Our Lordship is very
sensible, that as Poli-
cy requires Obedi-
A 3 ence

ence to the Laws for the
Preservation of the Pub-
lique Peace; So Religion
(especially the Christian)
requires That Obedience
from a Principle of Con-
science. And I know your
Lordship accounts it Your
Honour to be a Minister of
that Excellent Religion,
whose Zeal and Piety is so
concern'd, both by Your con-
vincing and free Discourses
upon all Occasions, and by
Your exceeding Constant
and

*and Exemplary Devotions,
to promote that Christian
and Peaceable Principle
into due Practice. This
also being the Chief End of
the following Papers. I
have made Bold to send them
forth under the Countenance
of Your Great Name, as well
as to Acknowledge the ma-
ny Personal Obligations I
stand under by Your Lord-
ships Favours.*

*If such a Conscientious
Obedience to the Laws could*

be generally obtained among
us, how happy a Prospect
would it give us! However,
if our Dissenting Brethren
cannot be satisfied of the Fit-
ness of every thing that is
injoy'd, or of the direct Ob-
ligation of Our Laws upon
their Consciences, my Pray-
er for them and our Israel is,
That they would consider and
see Reason in the words of
their great Friend (the Pro-
testant Reconciler, p. 177.)
viz. It seems to be the Du-
ty

ty of Inferiours to Com-
ply rather with the Com-
mands of their Superiours,
tho' they conceive them
Burthensome and Inconve-
nient, then to administer
Occasion to all those dread-
ful Evils both to Church
and State, of which we
have (and may have) so
sad Experience. *And O*
that God would grant (as our
Church prays) that they
may both perceive and know
what things they ought to do;
and

and also may have Grace and
Power faithfully to fulfil the
same. I am

My Lord

Your Lordship's Obliged

and humbly Devoted

Servant

Fr. Fullwood.

The

THE
Introduction.

DISSENTERS *Reasons Not*
from the SINFULNESS, *but*
the INCONVENIENCY *of*
the things required by LAW.

I Have often wonder'd
that so many, other-
wise *Sober* and *Ingeni-*
ous Persons, continue
their Refusal to joyn with
us in our *Publique Worship*;
and by their Ill Example,
En-

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Encourage Separation in the people to this day. I shall not wholly impute it, either to their *Ignorance* or *Stubbornness* or *Interest*; but am willing to conceive, that they have some *Latent Principle*, upon which they imagin, they support their Consciences, and satisfie themselves in their *Way of Disobedience*.

I have studied to find out What this *Principle* should be! It must lie in some *Exception* they have against
our

our *Divine Offices*; and I
cannot imagin it can be any
thing, but either their sup-
posed *Sinfulness* or *Unfit-
ness*.

I do not think, that
they do really and in ear-
nest believe or suspect our
publique *Worship* to be di-
rectly *Sinful*; for these Rea-
sons, because so many learn-
ed and pious Men have
frequently and abundantly
solved *All Objections* of that
kind, both as to *Substance*
and *Ceremony*; which I pre-
sume

sume our considering Brethren
have well weighed and ap-
proved as *Satisfactory*. E-
specially seeing the old *Pu-
ritan Nonconformists*, whose
Steps they pretend to fol-
low, wrote so well and zea-
lously even for the *Ne-
cessity* of our Peoples com-
municating in our *Parochia-
al Service*. Yea, conso-
nant hereunto, many of the
more learned *Nonconfor-
mists* since the happy Resto-
ration, have openly and
frankly Justified and *Vindi-
cated* our Ordinary Publick
Wor-

Worship. And one of
 their Great Men, in his late
Pleas for Peace (or rather
 for *Non-conformity*) tho
 he offers several *Objections*
 against its *Lawfulness*, yet,
 as I take it, he *Disowns* them
 as for *himself*, and puts them
 upon Others, that do or
 may so object. And indeed,
 at other times he has argu'd
 strenuously for all parts of
 our publick Worship, to
 which he *Conforms* him-
 self, tho some are positive;
 That His Continuing to
Preach among the *Dissen-*
 ters,

ers, is an unaccountable
Patronage of their Separation.
Besides, it cannot
be unknown and unobserved,
That most of those
Non-conformists, that have
given us any Reason of their
Desertion, have said nothing
against the Lawfulness of
our Communion, but have
urged only such things as
are in the Conditions of
our Administration, and no-
thing to our People's Commu-
nion. Some could not re-
nounce the Covenant: Some
could not give their Assent
and

and Consent to all and every thing contained in the Book, meaning, some Proposition and Computation of no practical Nature or Concern to the Peoples ordinary Attendance in our Parish Churches: Others scrupl'd at Re-ordination, & some perhaps liked not Canonical Obedience; and others, some of the *Thirty Nine Articles*, and its possible some were offended at *All* these things: but what are all these to our *Lay-Communion*?

(a)

munion? And therefore by
the way, those angry Per-
sons that exclaim against
the Hardness of the *Terms*
of our *Communion* from such
things as these, are in my
Opinion much to blame,
as well as overseen: seeing
all these things are extrinsi-
cal, and not so much as *Ac-*
cidents of our Ordinary
Communion: and are only
Conditions of the Exercise
of the *Ministry*, to which
no man is bound.

The *Substance* and Mat-
ter

ter of our *Common-Prayers* is beyond this Exception of *Unlawfulness*; and hath ever been so accounted by all, but Persons infected by *Brownism*; and indeed, almost every Phrase or Sentence in them, are either express *Scripture*, or the evident Sence of some Particular Passage in the Word of God.

If any thing will bear a Dispute, 'tis the Sign of the *Cross* at Baptism; yet this their great *Pleader*, himself de-

denyeth not the Lawful use
of, as a *Teaching Sign*; and
it is no other, by the very
words of the *Administraction*
in the *Common-Prayer-
Book*. Besides, What is
the Use of the *Cross* to so
many as have *No Children*?
Or to others, when they
have no occasion to be par-
ticularly concerned? Or in-
deed, to any, but to the
Administrator? What is this
to the common or ordinary
course of *God's Worship* a-
mongst us? Can any be so
weak as to think, they are
thus

thus Excused for their *Con-*
stant Absence or *Total* Se-
paration from us?

As for *Kneeling* at the o-
ther Sacrament, if a Man
should tell me, That He
thinks it *Sinful*, I would
not believe him. All the
Dissenters that had *Offices*
when the *late Test* came forth
requiring them to receive
the *Lord's Supper* according
to the Church of *England*,
that is, *Kneeling*, gave a
Plain Experiment, That
they did not think or sus-
pect

pect them to be *Unlawful* ;
for they did *certifie*, That
they had So Received it ;
neither did I ever hear,
That their Friends were
much Offended at their
such Advantagious Con-
formity. Besides, as be-
fore, What is this to the
Ordinary Use of Com-
mon Prayer, when there
is no Sacrament Admini-
stred :

2. From the Premises
I think I may *conclude*, that
it is not any supposed *Sin-
fulness*

fulness in our Worship, but something else, that is the true *cause* of their separating or dividing from us, and therefore, I cannot but observe, that when they are urged to give us their Reason, they are backward to give us any, muchless to shew the *Unlawfulness* of any thing required. And truly, I cannot apprehend that any thing sticks with them, but the bare *Inconveniency*; that is, the Unagreeableness of our Worship to their own Notion,
Appre-

Apprehension and *Desires*.
That is, plainly, they do
not *like* our Way of Wor-
ship, tho' perhaps they are
not agreed among them-
selves *what* they would have
in the room of it. In ge-
neral terms, the old Brow-
nists were for a *purser Wor-*
ship; and in the Modern
Language, they *would serve*
God better: and perhaps,
they have kept off so long
from us in hopes that we
might be induced by their
Distance, and *Numbers &*
Clamours to Reform, and
bring

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bring things nearer to their apprehensions.

Besides, what hath been observed to evince this, it may be further considered, That as the *Dissenters*, to save their *Offices*, did conform, as before we noted, which could not Consist with an Opinion of the *Sinfulness* of Conformity; so by their *Separation* before and since the *Test*, they declare plainly, they are against our Worship: that is, In their Opinion, 'tis not *Sinful*, but *Inconveni-*
ent ;

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ent ; viz. They do not like it.

The same Evidence they gave us in the time of *Indulgence*. When a very great Body of the People, called *Presbyterians*, who before joined with their Neighbours in our publick Worship, took their *Liberty* to leave us, and went to the Allowed *Meetings*, and being demanded a Reason of that Practice, they gave no other but this, *The Non-conformists Way was more*

more *Edifying*, and they *Liked* it better; and many of them, I fear, have not yet found the way back again to this day.

And do not we find daily, that the *severer* Use of the Laws brings in many of the *Dissenters* to us, tho' 'tis confess'd, that a great Number are yet more hardy, and stand it out, who, we cannot perceive have any better, or *other* Reason for Separation, than those that do come in? And why

why did these Continue
their Distance from us so
long before? Charity must
answer, while they could
enjoy their Own Choice
without Loss or Trouble,
they did so; but since they
cannot now, they are con-
tent to deny themselves, i.e.
not to do that which is Sin-
ful, but only *Displeasing* to
them, rather than *Suffer*.

Thus upon the whole, I
perswade my self; that this
lies at the bottom of *Sepa-
ration*: Men like not our
Wor-

Worship : Not because
they Judge it to be *Sinfull*,
but only *Inconvenient* : 'Tis
not fitted to their private
Notion and *Idea*. But how
this can satisfie the *Conscien-*
ces of reasonable and confi-
dering Christians is [the
Question.

Satisfaction in this Case,
must Depend upon such
Propositions as these.

I. We are not bound to
Obey the Laws that are
not good in our Opinion, or
Per-

Persuasion. That is, tho'
they be not Sinful, but In-
convenient, and we dislike
them.

2. Or that we have Li-
berty to run the Hazard of
the Penalty, and to Refuse
or Deny Obedience to such
Laws.

These we find hinted in
some late Discourses; which
indeed give Temptation to
the following Exercitations;
wherein you will find, we
have at large examined,
how

how far these *Principles*
will support and warrant
such Disobedience and Se-
paration.

The 1st Qu.

how far these Principles
will support and warrant
such Disobedience and Se-
paration.

The 11th Q^u.

The First QUESTION.

Whether we are Bound in Conscience to Obey our Rulers, when we are not satisfied the Laws are for our Good. Seeing, the Apostle saies (Rom. 13. 4.) The Ruler is the Minister of God to thee for Good — wherefore we must needs be Subject.

The Argument for the Negative.

THe strength of the Argument for the Negative, as it is hinted and scattered, especially
B in

in some late Books, seemeth to be thus.

Arg. The *Laws* of Rulers bind the Con-
science only as they are God's
Contr Ministers: And they have no
Authority from God to make Evil
Laws, or any Laws that are not for
the Good of the Subject; being
God's Ministers only for our Good.
Consequently, such Laws having
none of God's Authority, cannot
bind the Conscience; or we are not
in Conscience bound to obey them.

*The Question Stated, and the Argu-
ment Retorted.*

Rulers may be supposed to be of
three sorts: First, Such as have no
stated and known Laws, but go-
vern only by Personal Command.
2d, Those that have Laws, but
such

such as themselves make, by their own single and absolute Power. 3d, Such as are to Govern by Laws, which are first chosen or consented unto by their People.

Now, in case the first sort, not regarding either Reason or Equity, make their Will their Law, to hurt and destroy their People; or the second sort, impose (as Nebuchadnezzar or Pharaoh) impious or grievous Edicts: or the last sort, shall sleight their wholesome Laws, (the acknowledged Measures of Rule and Right) and use only an Illegal Arbitrary Power against publique Safety, ; and to the Injury of their Subjects. In all these Cases, indeed, great Authors speak hard words. *In Tyranno nihil ordinatum a deo. Qui perdenda reipublicæ animum gerit—rex esse desinit. Rex non est*

4 The Case of the
Dei sed Diaboli, dum declinet in Injuri-
am: that is, When he both forsakes
the Just Rules of Law, and also
acts Injustice and Oppression, Con-
trary to Law. And in this sence,
Dr. Taylor acknowledges, *He is*
the Minister of God to thee for Good,
saith St. Paul, otherwise he is none
of God's Minister, *Cas. lib. 3. pa.*
35.

Thus men may shew their
Learning and Discourse at large;
but what's all this to our own *Hypo-*
thesis? if our Case be otherwise, as
indeed it is, what are we concer-
ned in such *Suppositions?* Do our
Kings pretend to govern with their
Personal Commands? or to make
Laws *without* the people's Consent?
or yet to an *Arbitrary* Government,
much less to oppress and destroy
us; either contrary to, or *besides* the
Laws,

Laws, *quas vulgus elegerit*, which our selves have cholen? and to which they are sworn, according to our antient *Constitution*; wherein is supposed or implied, the *universal agreement* of the whole Community, for many Ages.

Now is it not hard to say, while our King, as such, acts *faithfully* to God and Man, and in discharge of his *Oath* and *Trust*, by the just and impartial Execution of those Laws, which we our selves have chosen and desired, because some of his scrupulous Subjects have gained a dislike of some of these Laws, and that only in some small matters, is it not hard, yea very unconscionable to conclude hence, that our King is no *Minister of God*; and such his Laws are *No Laws*; and we are not in Conscience to Obey

or Regard them: or to transfer the imagined Faults of the *Law* upon our *Rulers*; or their Faults upon the *Law*; or to charge both, or either, without Cause; while the Government proceeds according to the Laws of our own choice? and yet this is our very Case. And in such a Case, shew me that Learned, Wise or Good Man, that ever thundred out his Sentence of Condemnation against the King and Government.

Bracton indeed is our Ancient and Renowned Lawyer; and because his words may be thought pertinent, (as they are severe) and are much insisted on, we shall set them down at large; and then we shall easily perceive how far they concern our present Circumstances; he saith much, indeed, to magnifie;
but

but nothing to question or quarrel
the Laws, or the Execution of
them.

His words are these, besides ma-
ny more to the same purpose.

“Attribuit rex regi quod lex at-
tribuit ei, viz. dominationem &
potestatem. Non est enim rex
ubi dominatur voluntas, et non
lex, lib. 1. fol. 5.

“Potestas sua juris, & non in-
juriae — exercere igitur debet rex
potestatem Juris, sicut dei vicari-
us & minister in terra quia illa
potestas solius dei est; potestas
autem injuriae diaboli & non dei, &
cujus horum opera fecerit rex,
ejus minister erit, cujus opera fe-
cerit. Igitur dum facit justitiam,
vicarius est regis aeterni, minister
autem. Diaboli, dum declinet

"ad injuriam — Rex — Tyrannus
 "dum populum sibi creditum vi-
 "lenta opprimit dominatione. tem-
 "peret igitur potentiam suam per
 "legem, quæ frenum est potentie.
 "Nihil proprium imperij quam
 "legibus vivere, Lib. 12. fol. A. 107,
 108. *non dominos sed leges timere*
non minus se non metuentem

Perhaps, it may be said, No-
 thing more is intended by these
 Quotations, but to secure us against
 Arbitrary Government. Be it so.
 But give us Reason then for the
 present use of them, in such a nick
 and crisis as this, will His Majesty
 given us sufficient assurance,
 that he will ever govern us by the
 Laws of the Land? or do we find
 any Cause to Complain of the con-
 trary? Is not this an Engine to cast
 the Waters (or rather the Fire) of
 Jealousie

Jealousie upon the Common People: Is it not an unseasonable, and lye Insinuation (not to lay an Evil and Scandalous Reflection) upon the Government.

Certainly, the present Grievance of such as are dissatisfied with the Government, is not Tyranny, Oppression, and Arbitrary Power Contrary to Law, but Government according to Law, viz. the Execution of the Laws.

But let us come a little nearer to the Argument, and we shall find it as strong to the Sense of its Author, as it is to our Case. It doth by no means answer the size of their own Notion: and makes the Argument of the Apostle to conclude a great way short, or beyond their own Mark. They plead (to

serve

To The Case of the

serve another Turn, as you will find upon the Second Question) that the Apostle requires *Subjection*, and explains his *Subjection* by *Non-resistance*, and not by *Obedience*, or doing what is required by Law. And therefore if we do not resist the Power, tho' we do not actually obey, we do what the Apostle enjoyns.

Therefore, if when the Laws are not for our Good, the Apostle's Inference be of no force, his Injunction doth not bind us. That is, We are not bound to be *Subject*, but we may *Reject*. For the Apostle commands us to be *Subject*, and they say, He means by *Subjection*, *Non-resistance*.

Now these Objectors themselves confess, That *Subjection* is a necessary Duty: and on no hand would be thought to allow *Resistance*. Yet

'tis plain, this their own Argument, from the *Apostle's* words, you see, doth first of all and more directly take away *Subjection*, and allows *Resistance*, against their own sense, before it can gratifie them with Liberty to *Disobey*, which they contend for. And therefore, if consonant to themselves, they must confess this their great Argument is *fallacious*.

This might suffice. But lest I should seem only to *slur* this esteemed Argument, and be afraid to encounter it in earnest; and the rather that I might vindicate the *Apostle*, and evince the Grounds of *Christian Obedience* according to his excellent Doctrine satisfactorily, I shall apply my self to a direct and more *distinct* Consideration of this Argument against the Necessity of

14 *The Case of the*
Obedience: and all along endeavour
to accommodate my Reason and
Discourse, as near as I can, to our
own Case. I shall reduce what I
have to say against the Argument
to two Heads.

1. I shall shew, that the true
Force of the Apostle's Argument is,
herein, Over-seen, and made to rest
where he never intended it.

2. And Secondly, That the Sense
of the Apostle's words, upon which
their Argument is grounded, is
grossly mistaken.

and since the Grounds of
Christian Obedience according to his
excellent Doctrine satisfactorily I
have apply myself to a direct and
more plain Consideration of this
Argument against the Necessity of
Sect.

Times Discourse. 113

SECT. I.

The True Force of the Apostles Argument Over-seen; and made to rest where he never intended it.

THE chief Argument for our Obedience is intended in the first words of the Apostle's Proposition, he is the *Minister of God*, as they are distinguished from the *Latin* words, *to thee for Good*; as is more plainly expressed by the *Syrac Translation Minister dei, sed tibi in bonum*. But this is little heeded, tho' it be congruous to the Scope and Reason of the Apostle's whole Discourse upon this Point. We must, saies he, be *Subject*: Rom. 13, vers. 1, 2, 3, 4, 5. Why? because, he is

the

the *Higher Power*, vers. 1. Because
All Power is of God, appointed of God.
The Ordinance of God. Our Ruler,
and *God's Minister.* i. e. One that
wears *God's Image, God's Name,*
God's Sword, Minister & vicarius
dei, as the words of our Law are,
plainly alluding to these of the A-
postle : Thus we see, the Argu-
ment used by the Apostle, takes its
strength from the *Fountain of Hu-*
mane Authority, and not from the
End of it, as this Argument would
insinuate.

2. Indeed the Apostle notes also,
the great *End of all Authority*,
and assures us, it is appointed for
our *Good* : and this is a very great
Encouragement of *Subjection* and
Obedience, that the *Wise and Good*
Governour of the World, has ap-
pointed

pointed *his Ministers* to rule us for our *Good* : and worthy of a better Acknowledgment than it usually obtains. But who sees not, that the Apostle intends this Consideration rather as a *Motive* to our Obedience and Subjection, than a *Condition* of the Obligation.

We must needs be *Subject*, partly (if you will) because he is a Minister ordained for our good ; but principally and chiefly, because he is the Minister of God, he is a Minister to us for *Good* : this indeed commends Obedience to us as matter of *Prudence*, rather than *Conscience*. Therefore observe it, that he might effectually supersede this *Sophism*, and fit his Argument beyond this Quirk and fine Subtilty, he repeats the very words for the more direct Obligation of *Conscience*

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ence [He is the Minister of God] and omits the words before, viz. [to thee for Good] the very words they ground their Argument upon. He is, saies he in this very same Verse, the Minister of God, an Avenger, &c. and thereupon immediately concludes, Wherefore we must needs be Subject, not only for Wrath, but also for Conscience sake. As if he had said, Not only for Wrath, because he is an Avenger, to execute Wrath; but because he is the Minister of God for Conscience-sake.

Thus, if otherwise there might have been a Doubt, where the Apostle intended the force of his Argument, whether upon the first, or last part of his Proposition, the Apostle himself hath resolved us, and the Ground of that Doubt is gone.

Yet

Yet supposing we could admit that the Force of the Apostle's Argument doth rest upon the *latter* words [*to thee for Good*] unless our Sense of these words, be the same with the Apostle's, we are still *de-* luded with a gross Fallacy.

This therefore is next to be considered, what the Apostle means by [*Good*] in this Text? And whether we do not Mistake his Meaning, and argue from a *wrong* Sense: and Abuse of his words. This is my other, and my *chief* Exception to the Argument.

SECT. II.

*Of the True Sence of this Expression,
[To thee for Good.]*

Nothing can be rightly concluded from these words beyond their intended and true Meaning. And seeing the Argument rests here, it is necessary we should have a right Notion of the *Goodness* the Apostle speaks of.

1. 'Tis evident he doth not intend a particular and *private Good*, especially in prejudice of the general & *Publique Good* : For this Cause, saith he, *pay you Tribute and Custom* ;
and

and these, I think, but few reckon to their *particular Advantage*:

2. Neither can we understand the *Good* here, to be a Good by *Accident* only: the Law and Government hath a *direct* Tendency to the good of the *whole* Community, and every Member of it, yet by *Accident* it may be prejudicial to some *good* Man, and ought so to be to all *Wicked* Men: a *Terror to Evil-Doers*. And indeed, our Rulers, even then, when they are *Avengers of Wrath*, upon such, are the *Ministers of God to us for Good*. We Conclude, the Apostle must intend, *Salus populi*, or the Publick Good, which is the proper Effect of, and directly flows from a right Use of Government, upon the *whole Body* of the *Common-wealth*,

and consequently upon every *particular* person as he a *Member* of that publick Body.

Now, if you imagine the *Good* we may expect from Government, to be either a *private* good, or our own particular *Ease* and *Satisfaction* (which we may account *our* good, without regard to, or in prejudice of the publique good) or the *Evil* which *accidentally* falls from good Government, upon the *Disobedient*; to be contrary to the *Good* in the Text; we abuse the Apostle, and deceive our selves; for you see this *Good* consists with our *private Loss*, by *Tribute* and *Custom*, and with the execution of *Wrath* and *Evil* upon *Evil-Doers*. And yet notwithstanding *both*, our Rulers are *Ministers of God to us for Good*.

3. But

3. But this offers a *Third Distinction*, somewhat more direct to our purpose.

This *Good* may be supposed, either in the *Matter* of the Laws whence they are said to be *Good* Laws. Or with respect to the *Execution* of the Laws.

1. The *First*, namely, the *Goodness* of the *Matter* is only intended by the present *Objection*. But cannot possibly be thought to be the *Good* which the *Apostle* intended. Read his whole *Discourse* here, and you shall not find one word bordering upon the *Goodness* of the Laws. This the *Apostle* presumes; that the Laws were good. And gives us an excellent instance

and Example of his *Modesty*, not rashly to *judge the Laws*; or without plain Evidence, to call them into question. So their specious Argument when all is done finds no place in the Text.

2. For nothing can be well more plain and evident, then that *this Text* only speaks of *that Good*, which is the Effect of, and follows the just *Execution* of the *Laws Good*, *Natural*, *Civil*, *Moral* and *Spiritual*: the Defence of our Persons and Estates: the keeping of the Peace: the punishment and Reformation of Wickedness, and Vice: and the Maintenance of *True Religion* and *Virtue*: as Interpreters generally agree upon the place.

In precedente membro potestatem, hic potestatis distributionem & ευταξίαν,

a deo esse testatur. Bez. in verb.

Yea, the same is manifest from the whole Context: the Text affirms he is the *Minister* of God to us for good. How so? No otherwise, but as he executes the Laws impartially: and is thereby a *Terror* to Evil-Doers, and a *Praise* to them that do well. Again, therefore wilt thou not be afraid of the Power? do that which is good; for he is the Minister of Vers. 3,
4, 5. God to thee for Good: but if thou do that which is Evil, be afraid; for he beareth not the Sword in vain: for he is the Minister of God, a *Revenger*, to execute *Wrath* upon him that doth Evil. And then concludes upon the whole, *Wherefore we must needs be subject, &c.*

Now I hope, the *Objectors*, to say no more, need not boast of their Advantage from this Text.

SECT. III.

Of the Judge of the Goodness of the Laws.

BUT suppose we should also grant, that the words do extend to the *Good of the Matter* of Laws. May it not be doubtful, whether the Laws be good or not? And if this be the Controversie betwixt the *Rulers* and the *People*, how shall it be *determin'd*? There seems to be a *Necessity* to resolve this Point, before it be drawn into *Practice*, one way or other.

The Question then is, When the *goodness* of the *Laws* is disputed, who

who shall be the *Judge*, those that should be the *Doers* of the Law, or the *Makers* of it? Here it seems reasonable, that seeing, as you heard, the *publick good* is the proper intendment of all Laws, and that our Legislators are *Publique Persons*, and of *Publique Capacities*, and *Conversation*, the Advantage should lie on *their Part*; especially, when the matter of *Humane Laws* clasheth not with the *Divine*: at least, is not *so evidently* against the Law of God, as *Obedience* to the Laws of Men, is required by the Law of God. For we must ever obey the Laws of our *Rulers*; but when, by so doing, we shall *Violate GODS Laws*. So that our *clear Knowledge* of God's Laws, in that very Point, is supposed in order to our

Warranty

Warranty to disobey Man's. This Rule is positively allow'd and express'd by Mr. Baxter himself, as well as all other Learned Men, that have considered the Point,

But I shall hence take occasion to discuss the Matter more amply; and I shall therefore, first *Distin-*
guish, and then *State* the Question, as I intend to handle it, and then pursue it.

1. 'Tis agreed, that the Matter of a Law, may be either Evil, *per se*, i. e. when it is contrary to the Moral or Positive Law of God; or only *inexpedient*, tho', in genere *lawful*. For the Apostle acknowledgeth, that some things are *lawful*, that are not *expedient*. All Things (saith he) *Are Lawful for Me;*

Me; but All Things are Not Expedient.

2. As to the *first* kind; 'tis also agreed, that if the *Matter* of the Law be Evil, *per se*, at least so evidently, against God's Law, as the *Command* of Obedience therein is evident, the Subject is bound to judge it Evil, and against God's Law: and to Obey God rather than Man. As Tol. in loc. *Ut si aliud jubet proconsul, sic si aliud Imperator aliud Imperator; obediendum est Imperatori, aliud Deus jubeat, &c.*

Man's Laws, whose Matter is against God's Law (as St. Aug.) are really *No Laws*, and cannot oblige us: but the Reason of it ought to be weigh'd. It is not properly or immediately, because such Laws are against the publick
good

20 *The Case of the*
good (as the Argument supposeth)
this indeed ought to be the *End*
of all Laws: but the *Formality* of
the Evil of Laws, lies in their *Con-*
trariety to God's Laws. That, chief-
ly makes them *sinful*. And they
are therefore *void*, and not binding,
because God hath a *prior Obligation*
upon us by his own Law, contrary
thereunto, who is in the *first* place
to be obey'd.

But if the Law of our Prince,
upon the reason of a *prior Obligation*
cannot bind us; much less can a
Law, we unwarrantably *put upon*
our selves, though it be the Solemn
League and Covenant.

3. As to the *second* kind: 'tis also
agreed, that God doth not allow
any Legislators to *impose* and require
any thing in their Laws, that is

in-

inexpedient, and not conducing really to publique good; tho' it be not directly contrary to the Word of God; for they are intrusted with Salus Populi, and the good of the publique, is the only End of all Government.

Quod necessarium non habet conjunctionem cum fine publici comodi non potest præcipere lege humana. Suarez.

But *impious* and *inconvenient*, have not the same Latitude, neither can we safely argue from one to the other. Indeed, every thing that is *impious* is *inconvenient*; but not *e contra*. Laws whose Matter is *impious*, cannot bind us, are indeed No Laws: But it doth not follow, that Laws in some respect *inconvenient*, are not to be observed when made, tho' they ought not to have been made, or ought to be altered.

The

30 *The Case of the*
The Reason is, because the Matter of such inconvenient Laws may not be against the Law of God : God may not have before concerned himself with it, *in specie*, one way or other ; but hath left it to his *Ministers* amongst indifferent things undetermined : And tho' they are Men, and may err in the Application of them, and not observe exactly *Isidore's Rule*, *Lex erit conveniens, &c.* Yet it doth not follow, these Laws lose their Force, or the Ruler his Office, but that he is the Minister of God still.

4. Now we are arrived at the very Question, *Who is to be the Determining Judge in the Case of meer Expediency* : and in this case, how far the Subject is bound to acquiesce and obey.

Indeed,

Indeed, some have objected the *Unlawfulness*, and others, the *Doubtfulness* of some Matters in our own Laws. But these have been abundantly answered, and baffled over and over again, by very many Pious and Learned Men, especially Bishop *Sanderson* and Dr. *Faukner*; therefore in *those two Cases*, I refer my Reader that desires Satisfaction, to those Excellent *Authors*.

The only considerable Doubt, that I find amongst some of our *subtilest* Dissenters, is touching things *Inexpedient*; and as I said, our Question here is, who shall *finally* Judge of these. To which I betake my self.

Sect.

SECT IV.

Who is the Proper Judge of the Expediency of the Laws.

THE Question is, *Who shall Judge whether the Laws be Expedient or not, the Rulers or the People?* I mean, so to Judge, as to determine whether they are *fit to be observed* or not.

Obj. On the *Peoples* behalf, it is urged, That they have a *Judgment of Discretion*: by which they ought to judge of the Reasonableness of their own *Actions*, and consequently of the *Laws* that require their Obedience

Ans.

Ans. 'Tis confess'd, a Judgment of Discretion, is the Right and Liberty of all Mankind. Yet this Liberty of Judgment, is two-fold, either Natural, and at large: or Civil, as bounded and restrain'd and limited by our relation to our Rulers and Society; and their Concern and Interest in us. I have a Liberty at large to go to LONDON, OR not; to go thither when I please: but if I have promised to come thither at such a day, and not before, my Liberty of going thither is restrained by that Civil Obligation, I have put upon my self.

To apply it. Every man, doubtless, hath Liberty, Reason and Power, to judge of the Law as it is, or as he apprehends it: and indeed,

It seems impossible he should do otherwise: *i. e.* he must think as he thinks. So that, if the Law be Evil, and he know it to be so, he must so judge of it: if it be only inexpedient, and not otherwise Unlawful, he must judge it to be just so. And thus he may use his Judgment or Discretion, about the Matter of the Law, as a Reasonable Creature, and of Common and Natural Right.

Yet he hath a Judgment of Discretion too, in a Politick and Civil Sense, as he is a Reasonable Citizen and Subject. And here, he hath not the like extensive and unbounded Liberty. For his Reason is now limited, by his State and Relation, by which he is concerned with his Relatives, and they, in him. And he may thence see Reason, to make another Judgment of Expediency, at least,

least, both of the *Laws* and the
Necessity of *Obedience*. Now he
ought to judge, that he is in a State
of *Subjection* and *Communion*: That
publick Order and *Peace* ought to be
valued beyond a little *private* Satis-
faction: That *God's Ministers* are
the proper Judges of what is *fit*
and expedient with respect to the
Publique Advantage; that may
sometimes disagree with his *private*
Interest: That *God* himself *Com-*
mands our Obedience, and hath *not*
limitted us to things Expedient.
And that while we *Obey* his *Mini-*
sters, we obey *God* himself. And
that, tho' we see no Convenience
in the things required, yet our *Gov-*
ernours may; and in that Case,
the *less* Reason we discern in the
Matter of the Law, if not against
God's Word, the *purser* is the Ho-
nour

nour and Obedience we yield to
our Rulers, and to God himself: and
it need not be stiled *implicit*, *blind*
and *bruitish* Obedience, that hath all
this *Light* and Reason to guide it.

*Lex nullo privato commodo, sed pro
communi utilitate conscripta, ideo in ipsa
Constitutione ista Consideranda sunt.
Quia cum leges institutæ sunt, non erit
liberum arbitrium judicare de ipsis, sed
oportebit judicare secundum ipsas. Isi-
dor. 2 Stymol.* Which my Lord
Coke highly applauds. Whence
we find the Judgment of the Peo-
ple, touching Laws, is distinguisht.
When they are once publisht we
may not judge of them, but we
must judge according to them; as
more anon.

So likewise their *Discretion* is al-
tered,

tered, or at least limited by the definition which our Law books give of it *discretio est decernere per legem quid sit justum.* At least, it is our Discretion, not to judge the *Laws* themselves *unjust*, without very evident Proof: and not at all *Inconvenient* so as to refuse to observe them, if they be not evidently *unjust*.

But of this also more distinctly in the following Sections.

SECT. V.

If we may Judge of Lawfulness, yet
not of Expediency.

Objection.

THE strongest Argument on the Peoples behalf, now follows to be examin'd: 'Tis grounded upon our *Concession*, and is this; You allow the Subject Liberty to judge of the *Lawfulness* of things required by Law; what Reason can be given, why they should not equally judge of the *Expediency* of them?

Ans. The Reason of the Difference is plain. God is Lord Paramount, to whom all, both King and Subject, owe

owe undoubted Obedience. Now, in his Laws, he hath antecedently determin'd what is Virtue and Vice, what is Duty and what is Sin: and hath so publisht his Mind and Will therein, that all may and ought to know it; and take notice of it at their Peril. But he hath not pleased to deal so with us in matters of meer Expediency. These, he hath left undetermin'd, and devolved them upon the determination of Human Prudence, in the course of his Ordinary Providence. So that when Man commands what God forbids, we must not do it, because God hath forbidden it. But when Man commands that which we judge inexpedient, if not forbidden by God, we must do it, because God hath not forbidden it; and because our Superiour commands it.

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whom God hath requir'd we should
obey, next to himself.

Now, that we may speak more
plainly to this great Point; let us
consider Laws in *Act* and already
made, and constituted: and Laws
in *Power*, and not yet enacted; but
to be made.

Sect.

SECT. VI.

*The Liberty of Judgment in the People,
with respect to the Making of
Laws, The Writ Convenes them,
Ad Faciendum & Consentien-
dum.*

IN our most excellent *Constituti-*
on, 'tis granted, That the *Peo-*
ple of ENGLAND, have a very
great Liberty of Judgment, for
the Prevention of Evil or *Inexpe-*
*di-*ent Laws. But this Province being
above my Sphear, I should not have
aspired to touch it, had I not been
somewhat provoked to vindicate my
self, against the Charge of Impea-
ching the *Liberty* of the *Subject* in
this

this kind. I hope, that will excuse a small Adventure upon it: And I shall come off well, if I have not need of Pardon, both for meddling with this politick Point, and (not for straitning, but) too much enlarging the People's Priviledge as to the making of Laws.

This Priviledge belongs to our People, both *at large*, and in their Representatives in Parliament.

1. It is the Natural and Civil Right of all *English Men*, being *liberi homines*, to use their Judgment of Discretion for the Choice of Wise and Good Men to represent them in Parliament, in order to our having Good and Wholsom Laws, free from *Evil* or *Inconvenience*: yea, and to inform them when assembled,

bled, and *chosen*, what they conceive may be *fit* to be made a *Law*. And by the same Reason, what is *Inconvenient* in any Law already in being, in order to the *Altering* or *Repealing* of it. And no doubt, these things require a great deal both of Judgment and Discretion too, both about Laws, either *to be made*, or *already constituted*. And lastly, perhaps the Laws have allowed the People within the Bounds of Law to make Petitions, at least by their Representatives (as well as private Significations) to the fore-said purposes. If that be a good Rule in Law, which my Lord Coke mentions: *Extra Parliamentum nulla petitio est grata, licet necessaria; in parlamento nulla petitio est ingrata, si necessaria.*

2. But

2. But this Priviledge is more perspicuous and ample in the People as they are *represented* in Parliament. They are called together *ad faciendum & consentiendum*, touching Laws to be made (*ordinari de negotijs ante dictis*) of weighty Matters: Concerning the King, the State, and Defence of the Kingdom and Church of England; as the Writ speaks. And the Sheriff is therein strictly charg'd to do his Duty; lest through defect—or by an *improvident Choice*, *dicta negotia infecta remanerent*: The greater Matters of the King, Church and Kingdom remain undone.

Hence 'tis necessary that a Wise Election be made, and Discreet Knights,

Knights, Citizens and Burgesſes be ſent to Parliament, where they are to uſe all their Judgment and Diſcretion in order to ſuch Laws, as may be beneficial to the Publick, and conſequently good and expedient. And as none but *Diſcreet* Perſons are therefore to be choſen, ſo unleſs, when choſen, they may exert their *Diſcretion* and Judgment in Parliament, they ſeem to be choſen to no great purpoſe.

I know the Learned Knight, Sr. R. F. would improve thoſe words [*ad faciendum & conſentiendum*] in Diminution of the Power of the Houſe of Commons. But if they be not expreſſly and *in terminis* called to *Conſult*; they ſeem to be ſo plainly enough in the conſequence of theſe very words.

I dare not affirm what the Extent or Meaning of the word, *Faciendum*, is: If the Meaning of it be only, that they shall put the Laws in Practice, methinks the word is *mis-placed*: For should not they *Consent* to the Laws, before they *Do* them? Besides, their sending *Home* again, rather than their *Calling* to sit in Parliament, seems rather to be fitted for that purpose, *viz.* the Execution of the Laws: Yea, if they had nothing to do about making the Laws, why should they be chosen, or *called up* at all? Why might not the whole Kingdom, without so much Ceremony and Solemnity, be obliged *ad faciendum* in this sense, by a general Publication, or Appointment of the Laws to be read in *several*

varal parts of the Country, as was
anciently done? Or lastly, How
comes it to pass, that the KING in
the *Writ* of Summons, intimates
that the, *dicta negotia*, the great Af-
fairs for which they are called,
will remain undone, if due *Electi-*
ons and Returns be not made?

But they are called also, *ad con-*
sentiendum: to Consent to the Laws
that shall be made. Well, but
must not (usually) something be
done by them, in order to the ma-
king those Laws, to which they are
thus to consent? whether it be the
framing of *Bills* or *Petitions*, I shall
not determin. But I have
heard, that our *Laws* are Ld. Coke.
usually grounded upon such *Bills* or
Petitions: and I have greater Au-
thority for it than Sr. R. F.

How=

However, they are called to
Consent: and if this be not *in termi-*
nis to *Consult*, it sufficeth, if their
Consent be *necessary* to the making
of our *Laws*; for then their *Con-*
sent here, doth not suppose the
Laws already *made*, but *to be made*.
For I know not, that their *Con-*
sent is ever signified, as they are
a *House*, after the *Laws* are made;
they are usually *Prorogu'd* or *Dis-*
solved upon *passing* the *Bills*.

It is bold to say that ever the *En-*
glish Laws were made without the
previous *Consent* of the *People*,
some way or other sufficiently ex-
pressed.

Leges cum fuerint approbatæ consensu
utentium, & sacramento Regum confir-
matæ mutari non possunt nec distrui, sine
com-

communī consensu & consilio eorum
et. Bracton, li. 1. c. 2. Whence
the Name Parliament implies Parli-
zing, as J. Jenkins notes: And ac-
cordingly Spelman's Definition of a
Parliament is: *Parliamentum est so-
lemne colloquium omnium ordinum
Regni Authoritate Regis, ad consulend-
um statuendumq; de negotijs Regni
indictum.*

There is no Act of Parliament
but must have the Consent of the
Lords, the Commons, and the Roy-
al Assent, as it appeareth by Re-
cords and our Books. Coke of Par-
liaments.

'Tis certainly now too late to
say, Laws may be made Without
the Consent of the Commons in
Parliament. Is it not affirmed to

E

be

be the Glory of the English Liberty, that no Laws bind us but what are made by our selves. See over the Stile of our Statutes; *anciently*, they seem to have been made upon the *Petition*; and of late, with the *Advice* and *Authority* of *Parliament*.

In Ancient Time all Acts of Parliament were in the Form of Petitions, as my Lord Coke observeth; but both imply an Antecedent Consent in the People.

Yet tho', I like not the mentioned *Knight's* Reasoning or Design very well, give me leave by the way to remark, that his Learned & Smart and Bold *Antagonist*, seem'd somewhat transported to another *Extream*, when his Argument tempted

ted him to make a *Bill of Exclusion* of the *King* and the *Bishop* out of the *Fifth Commandment*. For the *Decalogue*, hath been hitherto taken as the *Summary* of the *Moral Law*, to which, as to their *Fountain-Heads*, all *Moral Duties* are reducible: and consequently, all the *Moral Parts* and *Precepts* in the *Scriptures*, besides, are but *Expositions* of those *Ten Words*. And I cannot remember that any other Person doth (and I am sure I cannot my self) reduce *Honour* and *Obedience* to the *King* or the *Priest*, so often injoyned in the Word of God to any of the *Ten Commandments*, but to the *Fifth*; at least, so directly and intelligibly, as to that.

But to return, and apply this

Discourse. If the *Consent* of the Commons be *necessary* in order to the making our Laws; this *Consent* is supposed to be *rational*, and to be expressed with due *Liberty*: therefore they must *Debate*, and at least *Consult* with themselves, and if occasion require, *Confer* also, and, as it were, *Consult* with the *Lords*. And consequently, 'tis confest, they are to use their *Judgments* about the Lawfulness and *Fitness* of the Matter of Laws: And they are therefore intrusted, from all parts of the Kingdom, to see that such Laws, and no other, are to be made, but what are *expedient*, and for the publique Good: or as they are excellently described and limited by *Isidor*, in the place so much celebrated by my Lord Coke, and commended as a *Rule* for all *Parliaments* to follow. “*Erit*
‘*lex*

“lex honesta, justa, possibilis, secundum
“naturam & secundum consuetu-
“dinem patriæ, temporiq; conveniens,
“necessaria & utilis, manifesta quoq;
“ne aliquid per obscuritatem incau-
“rum captione contrudat, nullo pri-
“vato commodo, sed pro communi civi-
“um utilitate conscripta; ideo in
“ipsa constitutione ista considerata sunt;
“quia cum leges institutæ fuerint,
“non erit liberum arbitrium judicare
“de ipsis, sed oportebit judicare se-
“cundum ipsas.

SECT VI.

When Laws are once made, we ought
to rest satisfied with their Conveniency.
Many Reasons for it.

I Know not that any thing can
be added to the Conditions of
Good Laws, which are given us by
Isidore. These, we see, are to be
considered, in ipsa constitutione, while
the Laws are making: that is, by
the Legislators. Whether they be
convenient—*& pro commune civium
utilitate*, or for the publique good.
But when they are once instituted,
there is left no *liberum arbitrium*, no
liberry to judge of them, but it be-
hoves

hoves every one to judge according
to them, and how to observe them.

When the Laws are once made,
the People at large, (among whom
the Parliament Men themselves,
when dissolv'd, are to be num-
bred) are to acquiesce in them, and
the Conveniency of them, and to put
them in practice, else they are
made to no purpose. And what-
ever Liberty men may naturally as-
sume, to judge of the *Fitness* of
such Laws, as they are Citizens and
Subjects, in this their *Civil* Capac-
ity, they are not to be Judges but Do-
ers of the Law.

Do not we choose Discreet and
Wise Men, and send them to Par-
liament for this very purpose, to
consider what is *Expedient* to be

made a Law: Do not we devolve
our own Power of *Judgment* in this
Case, upon our Representatives,
and *trust* them with it by our very
Election? If we give them not
this, we give them nothing. Yea,
we have thereby put them into the
Place, and made it their Office and
Duty, to Judge for us. And the
Wise men of the Kingdom, by our
Act and Consent are together to
consult what is best, and have there-
by infinite Advantages to judge of
publique Conveniencies, beyond the
rest of the people scattered up and
down the Kingdom: Besides, it
is an evident part both of the *Nat-*
tural and *Civl Honour* due to our
Law-makers, and *Rulers*, to sub-
mit our *Judgments* to their Determi-
nations in matters of meer Order
and *Conveniency*: and an absolute
Ne-

Necessary for Peace and the publick
Good, obligeth us to it.

As to our Case; When the Laws
are made, our Law-makers, whom
we intrusted for that purpose, have
already judged them Convenient.
Now, what Reason have we to ex-
cept against them, if they be not
against the Law of God? If you
say (as some do) the Civil Authori-
ty hath made Laws in the Matters
of Religion? 'tis well known, they
are also injoyn'd by the Spiritual
Power: If others are offended at
the Ecclesiastical, the same things are
required by the Civil Laws. And
if one of these Powers be not thought
Sufficient, you have both: and in-
deed, in each of them, you have
your selves: For according to our
excellent Constitution, you your selves
have

have determined in your Representatives, both in the Parliaments and in the Convocation, what is Convenient both in Church and State: And if any are dissatisfied with the Constitution, and would have that Altered to please a Humour, they are scarce tolerable.

All the Commons in the Realm are represented in Parliament by the Knights and Burgeses, Coke's Instit. p. 4, 158. And Sr. Thom. Smith saith, Every English Man is intended to be there present either in Person, or by Procuration; and the Consent of the Parliament is taken to be every Man's Consent. And no Laws are made but in this sence they are said to be, Quas vulgus elegerit, according to the Old Law.

If you say, The Rulers ought to
judge

judge what is expedient in making the Laws; this is nothing, if the Subject hath Power yet to judge them inexpedient, and to refuse to obey. Say, what shall give the binding Sentence as to practice? the Law or private Opinion? That is, plainly, Who shall Govern, the Rulers, or the People? For certainly, they govern, that rule, practise and finally determine what is fit to be done: whether they be Children, or Parents; Servants, or Masters; Wives, or Husbands; or Subjects, or Princes.

If you say, The Subject ought to yield for Wrath's sake, this placeth Government only in strength: but then, where is Conscience, where is Christianity? Is it not like Christian Meekness, and Peaceable Subjection, and Self-denyal, and the Doctrine

Errone, of the Gospel, to conclude;
that God hath provided for the Order &
Quiet of the World: he hath therefore
stated things necessary himself: and
for things of lesser moment and Ex-
pedience, he hath ordained Govern-
ment, to prevent or end all Contro-
versie.

The sum is, the Judgment of Dis-
cretion about God's, and Man's Laws.
And the Nature, End and Use of
Government, if well considered,
may effectually convince us, that,
so far as Man's Laws contradict not
God's, tho' we should imagine some-
thing in them not so convenient as
we could desire, yet they are to be
submitted unto as the Rule of our
Practice, and in Conscience of Gods
Ordinance, and Command, and of
the publique Good and our Duty to
be

be obey'd: And we are to rest satisfied with this; that our Laws are made by the Higher Powers; who are of God; ordained of God; the Ordinance of God; and our Rulers and Governours, (and such as we our selves chose to make Laws for us;) and the Ministers of God; and for our good too; viz. for publique Order, Safety and Quiet; Wherefore we must needs be subject, not only for Wrath, but Conscience sake.

Sect.

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be obey'd: And we are to be satisfied
with this, that our Laws are made
by the highest Powers: Who are of
God: and our Princes and Gover-
SECT. VII.

Inexpediency of Law overballanc'd,
expedient to Obey.

YET once more, Suppose
we could allow the people
at large to judge the Laws already
constituted; and to have power
left them, to discern their *inexpedi-*
ency, and to suspend their Obedi-
ence in such a Case: This still ac-
knowledgeth the *matter* it self to be
indifferent, and the *practice* only in
such Cases; not so fit as we would
desire.

Now, it is a clear Rule, that,
that is so *inconvenient* or *inexpedit*,
may

may be found; by a considering and discerning Judgment, upon the whole, to be *expedient*. And the matter to change its quality; if *over-ballanc'd* by a greater Inconvenience on the other side: as *Lead* it self becomes *light*, when a greater weight is in the other Scale.

This Rule is so undoubted, that it sometimes extends to things *positively commanded* by God himself. For, when a Matter *morally* necessary, shall be neglected for the practice of a *positive* Duty of God's own Worship, the present Practice of such Duty, becomes not necessary, yea *sinful*, in the Judgment of our Saviour and great Law-giver: *Go and learn what that meaneth. I will have Mercy, and not Sacrifice.*

64 *The Case of the*
fice. I prefer Mercy, tho' it be but
to thy Neighbour's Ox, to my own
Service : yea, in that case, I pro-
hibit attendance on my self, and
my own *Worship* : *I will not have Sacri-*
fice.

Apply this seriously, and admit
the Law requires something that
in it self and singly considered, is in-
expedient : Is there nothing in thy
refusing Obedience, *more* inconveni-
ent, and of more Evil Consequence
than that supposed Inconvenience,
which the Law requires ? What
if our *not yielding* to an *Inexpedient*
in the Law may indanger, if not
prevent and frustrate the *Real*
Good of God's Ministry and Go-
vernment, we so much contend
for ; and bring greater *positive*
Mis-

Mischiefs upon us ? Now, hath not God given us the Judgment of Discretion to ballance Inconveniences, to weigh uprightly one against another, and to judge and determine what is best and safest to be done ? And indeed, to admit of the *less* Inconvenience, as reasonable and wise men, for the prevention of *greater* ?

i. To help us in this Comparison, let us *First consider*, that the Law is to be understood to be *common* and general, and the Inconvenience to concern *all* others, as well as *our selves* : And if so, Why should not all others observe and boggle at the Inconvenience as well as our selves, and then judge wisely, what will be the Consequence ?

2. Secondly, 'Tis a Rule that seems not to be question'd by any that have, with any tolerable Learning, disputed this Point; that when the Law requires that which we judge inconvenient, if not forbidden by the Law of God, it is not to be disobeyed, if that Inconvenience cannot be Omitted *sine scandalo vel contemptu*: without Scandal or Contempt. The Reason is, because the Scandal of our Brother (as St. Paul teacheth us) and the Contempt of Authority, is more inexpedient, than the Practice of a bare Inexpedient required by Law.

But such Disobedience in a Matter of meer Inexpediency, must needs be notoriously guilty of both.

1. It cannot be without *Scandal* to others : For such our *Disobedience* must of necessity *Scandalize* others, especially if *Conscience* be pretended ; because it naturally tempts and induceth others, at least, if we have any influence upon them, either by our *Parts*, or *Reputation*, or *Interest*, or *Authority*, or any other *Obligation*, to break the *Laws*, after our *Example*, as is too too manifest by daily *Experience*.

2. And for *Contempt* of *Authority*, we can hardly be guilty of more or greater, than by refusing to Obey the *Laws*, because we judge them *Unfit* or *Inexpedient* : For, if we forbear to speak *Evil*

of Dignities, this is certainly to Despise Dominions. And declares openly, that we account our Rulers Weak or False, Ignorant or Malicious. i. e. Knaves or Fools, that made the Laws.

3. Yea, this Principle, if pursued and practised, is so highly injurious to Government it self, both wayes, both by Scandal and Contempt, that it plainly dissolves the Power and Obligations of all Laws; for none can secure us, that what is said against one or two Laws, (that they are inconvenient) shall not be charged on the rest. It makes the Prudence of the People the only Law to themselves; for thus a Law, to them is no Law, if they judge it inexpedient. Therefore it sets the Conscience

ence at so wild a Liberty, that when it shall be improved a little further by *scrupulous* People, it must needs end in perfect Ataxy and a general Distraction.

4. Nay, hath it not *already* sadly divided us ? loosned all Duty and Respect to Governments ? wasted the Conscience of due Obedience ? and enervated our Laws ? and disturbed the Order, and broken the Quiet and Peace both of our Church and State ? And do we not see a Black Cloud arising hence, and gathering upon the Face of our Prosperity ; darkning the *Age* ; threatening all the Good we expect from God's Ministers ; and even exposing our *Constitution* it self to all imaginable Danger.

70 *The Case of the*
Yea, which is more sad yet ;
doth it not seem to *Ecclipse* and Ob-
scure the Brightness and Glory of
our Profession ; and hazard the ve-
ry Light of our *Gospel* ; and the Re-
moval and Loss of the best Religi-
on (once restored, and often pre-
served with *Wonders of Providence*)
from us and our Posterity forever ?
and the Re-admission of such a Re-
ligion as we most fence against,
and as you will find but untoward-
ly consisting, either with *Liberty*,
Property or *Piety*. Consider it sad-
ly ; for if this should happen, both
we, and the *Children unborn*, may
have Cause, hereafter, and too
late, to Curse, such Unwarranta-
ble *Nicenes* and *Pernicious Scrupu-*
losity.

5. *Lastly*; If all these Mischiefs are at too much *distance*, and we cannot see so far off; Let me speak *home* to you that yet indulge to yourselves this Groundless Disobedience. Methinks your *own* present *Inconveniencies* by it, should be put into the *Scale*. Doth not it render you obnoxious to Law and Justice? You, perhaps, have hitherto escaped; but are you not liable every day to have your Peace and Quiet and Possessions disturbed? Doth not your Disobedience to the Law expose your Persons and Families, as well as others, to the Penalties of Law? Neither can you well expect it should be otherwise, if you continue Obstinate, and refuse to obey it. For our

Rulers are *Ministers of God to us* for Good, and ordained on purpose to prevent the fore-mentioned Mischiefs; and therefore they must be a *Terror to Evil-doers*; that is, all that violate and regard not their Laws; and *Revengers of Wrath upon all that do Evil*; especially such Evil, as if not suppressed, may undo all: Yea, are they not, and do they not think themselves bound in Conscience, both of their Trust and Duty, to God and Men, in Conscience of yours and the publique Good, not to suffer all to run to Confusion.

Perhaps you take it to be in your Choice, whether you will Obey or Suffer: Deceive not yourselves: God Commands you as well

as

Times Beyond 75
as Man; and certainly *God's* Command reacheth the *Conscience* whatever you dream of Man's. And you must answer to God as well as to Man for your groundless Disobedience; especially when, by it, you thro' away or hazard the Blessings and Talents he hath put into your Hands, and intrusted you withal: This is ungratefully to *Despise* the *Riches* of his *Goodness*. God and Nature have given you a Law of *Self-preservation*; and you have no Liberty to *destroy your selves*, by neglecting your Duty to your self, and affronting his Providence.

No Man is so absolutely *his own*, but God, the King and Conntry, his Relations and Dependents, have

have some Interest in him. Men that have Estates and Families, and Parts and Capacities fitting them for *their's* and the publick Service, may not causelessly throw them away, or dispose of them, but when and as God calls for them. And if the Law requires nothing of them, which God forbids; they cannot, for any other Satisfaction, suffer their Estates to be wasted, their Wives and Children to be distressed, their Lives to be sown and obscured, and their Parts and Capacities rendred *Useless* to God, their King and Country, by the Choice of Punishment for their Disobedience.

Active Obedience, so far as lawfully you can, is necessary, even from
the

the *Word of God Himself* ; were there no other Argument for it, but that of *Wrath*, viz. Escaping Punishment. For we must needs be subject, even for *Wrath's sake* ; and the very Argument from *Wrath*, obligeth the *Conscience*.

Now, all these considered, let me beseech you to reason this Point calmly by your selves. You have had the *Inconveniencies* of your Disobedience, laid against some things *inexpedient*, as you suppose, required in our *Laws*. And you say, you have a *Judgment of Discretion* : hath not God given you this Judgment to weigh *these* one against another ? And do you not discern the Difference between them ? Certainly, the Matter being supposed in
it

70 The Case of the
it self *Indifferent*, that is, not any
wayes forbidden by God, the *less*
inexpedient is eligible, and to be cho-
sen before the greater : Yea, as
you have seen, 'tis *comparatively* ex-
pedient for us, to obey the Laws
that we think *inexpedient*, for the
avoiding those greater *Mischiefs*
of *Disobedience*. And upon the
whole, I can hardly imagine, that
you should still think it *Fit*, for a
small Satisfaction to a *Humour* or
a *Scruple* to incur the guilt of so
many, great and *Real Evils*, both
upon your *selves* and the whole
Kingdom.

Let us, therefore, so mannage
our selves, that our *Rulers* may be
Ministers of God to us for Good in-
deed: which must be obtained by
a

Times Discourse. 77
a **MEANS** contrary to the Cause,
of the aforefaid Evils, our unac-
countable **DISOBEDIENCE**.
That is, By a *Peaceable*, and
Cheerful, and *Conscientious* **OBE-**
DIENCE to them and to the
Laws. I speak as unto **WISE**
MEN, Judge what I have said, and
the **GOD** of **PEACE** give you
Understanding.

The Sum of the *Answer* is
this. The *Apostle's* Words, as
here insisted on, *First* allow, what
your selves condemn; **RESIST-**
ANCE of our Rulers: Besides,
you take little or no Notice of
that which is *Argumentative* in
them, and place the *Force* of his
Argument where he did not in-
tend

70 The Duty of the
tend it: For the *Necessity* of our
Duty, lies in the first words of
the Proposition [HE IS the MI-
NISTER OF GOD] and the
later words [TO THEE FOR
GOOD] are rather a *Motive* to
our Obedience. Further, should
we yield, that if the Laws be not
FOR GOOD, the *Obligation* to
Obedience ceaseth; yet you plain-
ly mistake the *Good* which the
Apostle intendeth; for it is not
the GOOD of the *Matter* of
the Laws, but of the EXECU-
TION of them; and thus his
Argument is directly *Against*, and
not for Disobedience. Again,
should we yet allow, that the
GOOD of the *Laws* themselves,
is here meant; yet 'tis only the
Good of *Publick* Convenience, of
which

which the **RULERS**, and not **Private Men** are the proper Judges. Lastly, Suppose it were fit that **Private Men** might *Finally* Judge of the **Conveniency** & **Inconveniency** of **Publick Laws**; yet they are to Judge equally of the **Convenience** and **Inconvenience** of **DISOBEDIENCE**: And if you Judge Righteous Judgment, you will certainly find, that the **Inconveniencies** of **DISOBEDIENCE**, do exceedingly overballance the supposed **Inconvenience** of the **Laws**: And consequently, for the avoiding those greater Evils, both **Publicque** and **Private**, that follow upon your **Disobedience**, **Obedience** to the **Laws** that you judge inconvenient, in such a Case, becomes **E**

pedient,

pedient, and Good ; and even by
your own Argument, NECESSA-
RY.

All which I hope hath been suf-
ficiently proved to the Satisfaction
of the Sober and Peaceable Dissen-
ters.

Quest. 2.

Quest. II.

*Whether to be Subject in Ro.
13. be only, not to Re-
sist the Powers; or also
Actively to Obey their
Laws?*

IN their new Politicks, some seem
to defend their Disobedience af-
ter this manner. The Apostle,
say they; requires, Subjection Arg.
on indeed; but what is that
to Active Obedience? He tells us he
means, by Subjection, Non-resistance:
and we abhor Resistance though we
do not Obey.

82 The Case of the
This is the best Argument of the
modest and most moderate Dissen-
ters; and I hope they intend it for
our *Security*: But certainly more is
inrended in the Text. I would
not be Uncharitable, or suppose
that the wiser and better sort of
our *Dissenting Brethren* themselves,
intend it so far, as thereby to e-
nervate the *Apostle's Obligation* to all
Active Obedience: For, indeed
some of them seem to explain
themselves otherwise. Yet be-
cause this is often hinted, and may
prove Prejudicial to Government,
from the Intention of the Argu-
ment, if not of the *Persons* that so
familiarly use it, I have given them
my following thoughts about it, and
Answer to it.

Ans. 1.

Ans^r. 1. Every *Fallacy* hath its *Verisimilitude* or *Likeness* to *Truth*, otherwise it could not be a *Fallacy*, that is, *apt to deceive*. I take the colour of the present, to lie in this. That when the higher powers requires any thing that is *Impious*, even then, we must be *subject*; that is we must *not resist* the powers: yet we must *not actively* obey their *Wicked Commands*. And this is so plain and great a truth, that if we are *Christians*, we must *Joyn* in the *Concession* of it. And in this *Case* our only duty is *patiently* to *Suffer* in *Obedience* to *God*. But if this may be termed *Passive Obedience*, it must be so termed, with respect only to *Gods Law*, which thus we do *Observe*, and not to *Mans*, which, for *Gods* sake,

G 2

sake, we do not, dare Obey; but plainly Disobey.

Yet, if well considered, the *Strength* of this Objection rejects the too common *Abuse* of it: We must in this Case, it is said, OBEY GOD, and not Man. But in what Case? When, if we Obey Man, we should *DISOBEY* our God. And why then should we Disobey God, but because God hath declared his Will to the contrary; that is, Hath Commanded we should not do that thing which Man requires? For consider, how do we in this Case Disobey Man, but by doing Contrary to Man's Laws? Even so in the same Case, we Obey God *only*, by doing and observing God's Laws? For Sin is the Transgression of the Law. And

And 'tis Convertible ; *where there is
no Law there is no Transgression.*

Shew us therefore, that Law of
God which forbids any thing
which our humane Laws require ;
and in that case, but no further,
content your selves with *Non-resi-*
stence, without Active Obedience.
If you cannot, you do not obey
God, but plainly *Disobey* him, by
refusing, on any other pretence
whatsoever, Actively, and Consci-
entiously to observe the Laws,
both of our Church and State ;
herein *Non-resistance*, or passive O-
BEDIENCE, cannot excuse
you.

2. For *Subjection* is the Duty
here expressly required ; and the
Apostle doth not tell us, that by

Subjection, he intends *Non-resistance* only, or *Exclusive* of *Active Obedience*. Yea, he assures us otherwise, and that he intends it in its due *Latitude*. Subjection is denied two ways: by *Opposition*, and by *simple Disobedience*; and the *Apostle* strikes at both these expressly. And *Active Obedience* being more properly and the best Expression of Subjection, he is more ample and express in his Argument against *Disobedience*. Indeed, he mentions *Resistance* in *Vers. 2.* but not *exclusively*; for he insists upon *Obedience* and *Disobedience* in the several following Verses, which he stiles *EVIL-DOING* and *WELL-DOING*, as will appear presently.

3. As for the Penalty of *Damnation* or Judgment, it yields us no Argument to the contrary, whether we suppose it to be *God's* or *Man's* Judgment, or both, but clearly confirms it. No doubt *Resistance*, whose parts are *Sedition*, *Rebellion*, or any kind of Opposition, merits the *Damnation* or Judgment of God; for he that *Resisteth*, resisteth *God's Ordinance*; and yet he that *Causlessly* Disobeyes *God's Ministers*, provokes God too; and cannot be secure from *Divine Judgment*: For Subjection, as such, and in its full Latitude, is to be yielded to *God's Ministers*, even for *Conscience sake*; that is, as opposed to *Resistance* and *Disobedience*; as the *Apostle* Argues, *Verf. 5.*

after he had so explained himself, and therefore if denyed in any due part of it, we wound the Conscience, and are guilty before God, and incur his Judgment.

But if it be *Man's* Judgment that is here threatned; this is more expressly directed against *Disobedience*, under the Terror of the *Sword*, the Wrath and Vengeance of *God's Ministers*; who bear not the *Sword* in vain, but are *Revengers*, to execute *Wrath* upon all that do *Evil*, (Ver. 4.) or are *Disobedient*; as truly, if not as severely, as, on those that resist *God's Ordinance*.

4. But, if *Simple Disobedience* be found a Degree or part of this *Subjection*, the Argument hath no colour from the Text: And indeed
it

it is so very plainly, - both in the Reason of the thing, and the Apostle's Intention. First, one kind of Resistance is, to Refuse to be Subject, as the *Aethiop.* renders the word in the Text. Resistance, saith *Gratius*, is a Military word: And *Tol.* reasons upon it thus, *Sicut Miles qui locum sibi a duce destinatum, duci resistit ipsiusq; ordinationi adversatur*, as a Soldier which keeps not his place, resists his Captain, and opposeth his Command. And consequently *Pisc.* and *Paræus* in loc. *Qui resistit; i. e. se subdure renuit, qui recusat obedire legi & edicto quod a potestate procedit; modo lex sit justa.* He which resists, i. e. refuseth to obey the Law or Edict of the Power, &c.

5. Accor-

5. Accordingly the Apostle explains it himself after the same manner: For otherwise what is the meaning of such Expressions as these are, which immediately follow. *He that Resists—for Rulers are not a Terror to Good Works, but to the Evil: Wilt thou not be afraid of the Power? Do that which is Good. But if thou do that which is Evil, be afraid; for he beareth not the Sword in vain.*

Thus, the Apostle tells us what he means by *Resistance*, a *Doing Evil*, and a *not doing Good*. What *Evil*, but that which the Law forbids? What *Good*, but that which the Law *requires*? For Rulers, as *such*, take notice of no other Good, or Evil. Neither did the Apostle
so

So much as *question* those *Laws*, that
then forbad those *Evils*, and requi-
red that *Good*, which he supposeth :
for there was then no occasion for
it, as one saith upon the place, as
yet, *non sciebatur Romæ in Christia-*
nos : And *Agrippa* in *Josephus* notes,
Nullos a Romanis Magistratibus missos
ut bonis noceat. And agreeable here-
unto, is the Apostle's whole Dis-
course, wherein he doth not ob-
serve the least Reason of *scrupling*
Obedience from the Matter of the
Law : or of Suspicion, that their
Obedience must be Unwarrantable.
Besides, you see what it was, that
alone could secure them from Pu-
nishment, namely, the *Doing Good*.
And is not that something positive ?
if we must *do good*, must not some-
thing be *done* ? and if we do the
good,

good, that will secure us from the
Power, must it not be the very
good thing, which the Law of the
Power requires? And he must have
certainly an extraordinary Logick
that can conclude that, this Doing
Good here, is a doing Nothing. i.e.
a not doing the Evil of Resistance.
Again, If thou do that which is Evil,
be afraid; for he beareth not the
Sword in vain. What Evil? that of
Resistance only? No certainly,
but that Evil, which the Law for-
bad. For the Sword would be born
very much in vain, if it should be
drawn only against such as Resist
the Power in their sence; that is,
by Violence and Opposition or Re-
bellion; thus the Minister of God
should rather Revenge himself than
God.

6. Sixthly, This Argument is repugnant to the very Nature and End of all Law and Government. Was it ever the Intention or Reason of a Law, either Negative or Positive, that it should not, or need not be observed? Yea, the very Threats and Penalties of the Law that we pretend to submit unto, intend we should fulfil the Law, and not suffer the Punishment; and for that very purpose they are annexed to the Law. And to the same purpose are the Rewards of Obedience proposed in a Law: and the Ministers of it are sent for the Punishment of Evil Doers, and the Praise of those that do Well. That is, those that perform what the Law accounts WELL, and a void

void what the Law reckones
EVIL-DOING, or **DISOBE-**
DIENCE.

And as this is the End of the
Sanction of the Law, in the *Threats*
and *Promises*, so 'tis the very *Rea-*
son of the preceptive part of the
Command it self: thus, When God
himself gave forth his own Laws,
his *first* and chief Intention was,
that Men should Obey those Laws,
by doing what he requires, and not
doing what he forbids therein; and
certainly not only by *Not Resisting*
him, in this strict Sense of Resist-
ance the Argument insists upon.
And thus doubtless, the *Ministers*
of God, after his Example, in all
their Laws, intend *primarily*, to have
them observed: and God that en-
joyns our Subjection to them, re-
quires,

quires, that we Obey them, as his *Ministers*, in the same method, that he requires Obedience to *Himself*. That is, By *Doing* what their Laws require, and not only by not Resisting or **REBELLING** against them.

7. The Argument also prevents or frustrates the great use and benefit of all Government: That is as the Apostle notes, the *Publique Good*. He is the *Minister to us for Good*. But now, suppose we should do all the *Evil* that is forbidden in the Laws, & neglect to do all the *Good* towards God, the King, our Neighbour and our selves. That the Laws require, only we do not resist Authority, what *Good* do you think shall we reap from Gods Ministry? Will *Non-resistance*

stance only, will that secure us from all that Evill, and Compensate for all that good 'tis beyond the Sphear of Imagination?

Ans. But to put the matter quite out of Countenance, the *Apostle* hath sufficiently explain'd himself in the very Text. And we are assured from his own words, that he required more by Subjection, than this Non-resistance. for he hath given some plain instances, even of Active Obedience; and they are prescribed also, as parts of that Subjection which he obligeth us unto. Wherefore, saith he, we must needs be subject — for this cause pay you tribute also. Yea render to all their dues, (especially to Authority) Tribute, Custom, Fear, Honour; and owe no man

(especially of Authority) is Tribute,
Custom, Fear, Honour, and owe no
more anything. and are not these
more than bare Necessities
And the Apostle himself in another
place. Therefore lastly we must
conclude, that this is but a Novel phan-
asy, and refuge of Fig-leaves to hide
the Nakedness. And that by Subjec-
tion, here we must understand Active
Obedience, in the primary sense
of the word; and intention of the
Text, as Beza's note is, *Subjici-*
re. Obeyre Magistratibusq; legibus
et edictis to be subject, that is, to
Obey the Magistrate, and his Laws,
and Edicts. (And as Cordius adds
iniqua ad carum. Another learned
man upon the place, as fully to our
Purpose, glosseth *non dico, Obeyat,*
honorem exhibeat, et quod a partes qui-

dem sunt sed totum est Subiectio Parens.
 i.e. The Apostle doth not say, Obey,
 and Honour, &c. These are parts
 indeed, but the whole is *Subjection*.
 And the Apostle himself in another
 place, expressly explains his *Subjection*
 on, by *Obedience*. Be Subject to Prin-
 cipality's, &c. and Obey Magistrates.
Tit. 3. 1. Put them in mind, or Admo-
 nish them, to be Subject to Principalities
 and Powers, and to Obey Magistrates.
 that is, to shew their *Subjection* by
 their *Obedience*. *Ut imperata faciant.*
Grot. And shewing their *Obedi-*
ence, by doing the things that are
 commanded, being ready or dis-
 posed (as it follows) to every good
 work, or Duty required by their
 Governours. For as that great
 Man infers, q. d. *qui bene & honesti*
vivere non recusant, libenter parebunt
 Ma-

Magistratibus, quippe qui ad humani generis conservationem ordinati sunt. that is, those that do not refuse to live well and *Honestly*, will freely and readily Obey Magistrates, seeing they are ordained for the conservation of Mankind. i. e. are *Ministers of God, to us for Good.*

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THE

... of God, ...
... of mankind, ...
... they are ordained for the con-
... and to daily God ...
... live well and ...
... that, ... do not ...
... more ...
... of mankind, ...

THE II

THE
Postscript.

REFLECTION
 UPON THE
Protestant-Reconciler.

Since these Papers were
 in the Press, a Great
 Friend of the Dissen-
 ters was brought to me, cal-
 led, *The Protestant Recon-*

ciler: The Book is a pleading for *Condescension in things Indifferent*: And indeed, 'tis written with more Exactness, Sobriety, and Strength, than any that I have met with upon that Argument.

In this Book I find some Passages, let fall by the By, that are pertinent to my purpose; and of *Present Use and Advantage* to both sides: These we should take notice of: But for the main *Drift and Scope* of it, we need not at present be much

concerned about it, for it
seems calculated for another
Time, and perhaps for o-
ther Persons, viz. a Par-
liament.

First, He assures us, he
intends to plead more stiff-
ly, and he hopes with more
Conviction for Submission to
the Constitutions of the
Church of England, then
he hath done here for Con-
descension, pa. 59. Preface.
He further telleth them
roundly, That tho' it could
be Lawful for the Dissenter

to resist obedience to
the things imposed, yet if
it be not absolutely his Duty
to do so, he, he dares not be
Excused for neglecting what
is so expedient for the Peace,
but you shall see here of the
Church of England the before
highly testified, as page 49
of the Book. 101 Yet, the
add, 101 of Dissenters do not
think it better to have the
Evil not of Disobedience and
Sedition should ensue, then
that they should comply
or bear with it. How can
monks, when must they

in these matters submit to
the commands of their Su-
periors: ap. 22. *et tibi in gna*
and Thus we have his Te-
stimony, that if we know
no *Simplicity* him the things
required, as he doth not,
we are in Conscience and
Prudence Bound to Con-
form: And that the bap-
tized *Dissenters* do not
believe any such *Simplicity*,
but themselves also as he has
done, at least of late, (that
is not insisted on) (which
they are better satisfied in
the Point upon, then formerly
ly)

by) for the Unreasonable-
ness and Danger of Impo-
sing indifferent and unne-
cessary Things, bears the
great stress of all their mo-
dern Pleas and Arguments,
as my Author witnesseth. per-
but I am perswaded, saith he
in my Conscience, that such
Considerations (which He
had noted out of Mr. Bax-
ter's Book taken from heads
distinguished from Sinful-
ness) do more alienate the
Minds of Men from that
Submission which is due to our
Governours, and from Com-

munion

801
munions with them, then all the
Arguments they have, or can
produce against the Lawful-
ness of any of the Rites now
practised in the Church, pag.
329.

Again, The same lear-
ned Author observes with
me (pag. 3. of his Book)
That the Dissenters are very
prone on all Occasions to cry
out against Imposing of these
things as the Conditions of Com-
munion—but they say little of
any weight or moment to shew
it is utterly Unlawful under
the present Circumstances, to
yield

yield Obedience, or Submission
to the things imposed.

But here, I cannot for-
bear to wonder, that the
same Author that makes
this Observation, useth the
same Weapon in Favour of
Dissenters. His main Point
is this, *That Things In-*
different, which may be chan-
ged and alter'd without Sin—
especially under our present
circumstances, ought not to be
Impos'd by our Superiours as
Conditions of Communion, &c.
This is the Subject which
he makes the Scope and
Bu-

Business of his Treatise.
Now, tho' I intend not to
enter upon this Argument,
yet I must note the unreason-
able pressing it *under our*
present Circumstances: And
I am bold to say, it seems
to be rather *Clamour* then
Scruple: Clamour without
Reason; and a plain abet-
ting the Error he observes
in others, and all to draw
on his Designed Conde-
scension, which yet no Bo-
dy can grant him.

I. For, even those that
made

made the Law for Conformity, are themselves *sub lege*, under that Law. And none have Power, out of Parliament (not now in being) to *Alter* the Law. And tho' the *same* Persons that made the Law, be still our *Superiours*, they are not now our *Legislators*, but only *Doers*, or at most but *Administrators* of the Law, already made; and have no Power to *Condescend* in these *Matters*, as his Phraze is. Of this, the Learned *RECONCILER* himself was aware,

aware, tho' the Design of
his Book would perswade
to the contrary. I there-
fore wonder, saith he, at the
Wickedness and Injustice of
those Men, who clamour so
much against them, because
such Condescensions are not
immediately made: i. e. be-
cause they do not change the
Law which it is not in their
Power to do, p. 9. *But*
12. Yea, as the Confor-
mist cannot Condescend to
the Dissenter, by Altering
the Laws, so neither can
he

the Meet him in the Abate-
ment of his Conformity
according to them, with-
out Breach of his Duty,
and becoming a Dissenter
himself, and a Transgressor
of the Laws; A year a Viol-
ator of his Engagements,
Promises and Oaths. And
if this Sentence be true,
what would our Dissenting
Brethren have us to do?
The Case is plain: If the
things required be not sin-
ful, They may and Ought
to come to us; but we can-
not, there is a Great Gulf
fixed,

fixed, May, we cannot come
to them. Certainly, in
our present Circumstances,
this is worthy their saddest
Meditations.

3. Hence, give me leave
to observe, That supposing,
as our late Pleas for Conde-
scension do suppose, that the
things required are Indiffe-
rent, tho' Unnecessary, the
Face of the Controversie see-
meth to look Otherwise
than it did heretofore; for
indeed, the great Argument
betwixt us is quite inverted.

I

Be-

Before, it was thus, on
their side, when the Pre-
sence was, That they could
not have Communion with us,
Without Sin.

You acknowledge the
Things in Controversie are
in themselves Indifferent &
alterable, we believe they
are Sinful. Therefore we
cannot Ascend to you, but
you May and Ought to
Condescend to us, and re-
move the Difference.

But now 'tis quite other-
wise, on the Conformists side.
He now pleads, You ac-
knowledge

knowledge the *Matters*
struck at, to be *Indifferent*
(though you like them
not) We say, Tho' they
are so in themselves, yet
the Use of them is by the
Law, &c. made *Necessa-*
ry: You may come to Us
Without Sin: We can-
not, Without Sin, come
to You. Let the Fault,
the Breach, the Schism,
and all the Dread Conse-
quences of it, and Fears
attending it, be laid no
more at the *Conformists*
Door.

4. To Conclude; Let me beseech the *Protestant-Reconciler*, seriously to reflect upon his late *Book*; and consider, Whether he hath pursued the *True Point*, whereon our present Duty, and Peace, and Safety depends. He hath very industriously labour'd to lay Grounds for a Happy *Accommodation*, when we shall have a *Parliament* and *Convocation*. But in the mean time, where are we? Our Condition is deplorable;

ble; But what is the present Remedy? Would not half this pains have bin better bestow'd to Perswade *Dissenters*, that *Union*, *Submission* to Authority, and the doing of our duty, is alwaies necessary: and that we are bound in *Conscience* to attend Gods Publick Worship among us *Established* by Law, seeing there's nothing there required, but what we may *Lawfully* Practice? and that this is the only probable means, in *Reason*, *Policy* and *Divinity*,

Divinity : to Scatter our
fears, defeat our Enemies,
and Secure us from De-
struction? Especially Con-
sidering, we know not Cer-
tainly when we shall have
a *Parliament*, and we know
less, whether when we have
a *Parliament*, they will see
reason in all that he hath
said, to *Alter* the Law, for
their Satisfaction. And last-
ly, that the question, what
the *King* and *Parliament*
ought to *impose*, doth not
so much Concern us, as
what is our *Duty* to do.

The 1st of 1740.
5.) Yet I must not charge
this our *Reconciler* with a
total Omission of that ne-
cessary Point; I have no-
ted something already. And
in his pag. 58, 59. we find
him asking some *Pious, Sea-
sonable* and *Argumentative*
Questions, of our *Dissent-
ing Brethren*; which, I
heartily pray, they would
seriously weigh, and then
answer, not in *Word*, but
in *Deed*, and in *Truth*.
Thus he accosts them in
the midst of his *Many*
Arguments on their Be-
half. *Here,*

Here, let it be noted (saith
he) that these Arguments
propounded from the Exam-
ple and Sayings of our Savi-
our, against the Imposing of
Indifferent Things. I say,
these Arguments fall, many
of them, with more weight
on the Dissenters, provi-
ded they can shew no Law
of God plainly Forbidding
their Submission to these
things.

For, let me ask them in
the Spirit of Meekness
these few Questions; Do
they prefer Mercy before
Sa-

Sacrifice, who will not submit
to Rites and Circumstances, or
to the use of things, no where
forbidden in the Word, to pre-
vent Schism, and all the
Dreadfull Consequences of it;
but rather will cause their Su-
perious to judge them Scan-
dalous Resisters of Authori-
ty, and pertinacious Distur-
bers of the Church's Peace?
Are they Compassionate to-
wards the Sheep, according
to our Lord's Example, who
rather will Refuse to become
Labourers in the Harvest,
than Submit to these Little
YOUR K Things,

The Postscript.

Things, in order to their regular Performance of this Blessed Work? Do they not Scandalize, and Contribute unto the Ruin of CHRIST's Little Ones, who do involve them in a wretched SCHISM on the Account of things which They may Lawfully Submit unto? Do they not shut up the Kingdom of Heaven against Men, who Forbid them to ENTER IN when they may? Do they not Impose Heavy Burdens also, who say to their Disciples, Hear Not the COM-
MON

MON PRAYER;
Receive not the *SACRA-*
MENT Kneeling;
suffer not your Children to be
signed with the Sign of the
CROSS; communicate not
with that Minister who wears
a *SURPLICE*, or with the
Church which Imposeth any
Ceremonies, or any Con-
stitutions, but concerning the
Time or Place for *Publick*
Worship? If the good Shep-
heard should lay down his Life
for the Sheep, should not they
lay down their Unnecessary
Scruples for their sakes? If

Nothing doth so scandalize
Christs Followers, as to find
their Teachers at Discord, can
they act as his Disciples who
are not willing to procure Con-
cord, and to avoid this Scan-
dal by their Submission to
Things Indifferent in their
own Nature, and not forbid-
den in the Law of God?

THE END.

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